

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RICKY J. HAMBY, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 05-626-JJF
 :
 DR. ALI, DR. ARAMBURO, WARDEN :
 RAPHAEL WILLIAMS, COMMISSIONER: :
 STAN TAYLOR, DR. FISHER, and :
 DIANE HERNANDEZ, :
 :
 Defendants. :

RULE 16 SCHEDULING ORDER

WHEREAS, the Court held a Status Conference in the above-captioned action on June 20, 2006;

NOW THEREFORE, IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by **Tuesday, June 27, 2006**, the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Joinder of other Parties.** All motions to join other parties shall be filed on or before **Friday, September 8, 2006**.

3. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring the possibility of a settlement. If the parties agree that they would benefit from a settlement conference, the parties shall contact Magistrate Judge Thyng to schedule a settlement conference so as to be completed no later than the Pretrial Conference or a date ordered by the Court.

4. Discovery.

(a) Exchange and completion of interrogatories, identification of all fact witnesses and document production shall be commenced so as to be completed by **Wednesday, November 8, 2006.**

(b) Maximum of **25** interrogatories by each party to any other party.

(c) Maximum of **25** requests for admission by each party to any other party.

(d) Maximum of **10** depositions by plaintiff(s) and **10** by defendant(s). Depositions shall not commence until the discovery required by Paragraph 4 (a, b and c) are completed.

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from the plaintiff(s) by **Monday, October 9, 2006**; from the defendant(s) by **Tuesday, October 24, 2006.**

(f) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties.

5. Discovery Disputes.

(a) Discovery disputes shall not be subject to motion practice, and any motions related to discovery shall be sua sponte denied by the Court.

(b) In lieu of motion practice, all discovery disputes shall be presented to the Court at a Discovery Hearing held on **Tuesday, October 31, 2006, at 12:30 p.m.** in Courtroom 4B on the 4th Floor, Boggs Federal Building, Wilmington, Delaware.

6. Case Dispositive Motions. Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on **Wednesday, November 15, 2006.** Any answer briefs shall be filed by **Thursday, November 30, 2006,** and any reply briefs shall be filed by **Thursday, December 7, 2006.**

7. Applications by Motion.

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at:

jff_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

8. **Pretrial Conference.** A Pretrial Conference will be held on **Thursday, January 11, 2007 at 11:30 a.m.** in Courtroom No. 4B on the 4th Floor, Boggs Federal Building, Wilmington, Delaware. The Federal Rules of Civil Procedure and Rule 16.5 of the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995) shall govern the pretrial conference.

9. **Trial.** Trial will commence on **Tuesday, January 16, 2007, at 9:30 a.m.** in Courtroom No. 4B on the 4th Floor, Boggs Federal Building, Wilmington, Delaware.

June 21, 2006
DATE

Joseph D. Fama
UNITED STATES DISTRICT JUDGE